

REMARKS

Claims 1-18 are now pending in the application. Applicants amended independent claims 1 and 14 as discussed in the interview of May 9, 2007. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-11 and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Watanabe et al (U.S. Pat. No. 4,777,946). This rejection is respectfully traversed.

As discussed in the interview of May 9, 2007 summarized above, amended independent claim 1 is not anticipated by Watanabe et al. More specifically, Watanabe et al fails to disclose a pressure ring having a common opening with the band, so that the ulnar styloid protrudes through the common opening and is not covered. The device of Watanabe et al is adapted to stabilize a patella. The patella is covered by a patella pressing band 4 having a patella-pressing patch 8. See FIG. 1 and column 3, lines 41-49, and column 4, lines 15-24. The device of Watanabe et al functions to fix the patella and hold it in place with a cover that includes the pressing band 4 and the patch 8 over the patella. As such, the structure of the device of Watanabe et al actually teaches away from the present teachings as recited in claim 1. Accordingly, claim 1 is not anticipated or rendered obvious by Watanabe et al. Claims 2-11 and 13 ultimately depend from claim 1. At least for this reason, claims 2-11 and 13 are also not anticipated or rendered obvious by Watanabe et al.

Reconsideration and withdrawal of this rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe et al in view of Marx (U.S. Pat. No. 4,048,991). This rejection is respectfully traversed.

Claim 12 depends from claim 1, which as discussed above is not anticipated by Watanabe et al. The device of Marx is particularly adapted to limit motion of the wrist, while the device of Watanabe et al is intended to fix the patella. Marx is cited by the Examiner for the padding element, and even assuming that Marx can be properly combined with Watanabe et, the resulting combination does not provide all the elements of claim 1, from which claim 12 depends.

Claims 14-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe et al. This rejection is respectfully traversed.

The Examiner has relied on use of the Watanabe device to reject the method claims 14-18 as obvious over Watanabe et al. As discussed above in connection with independent claim 1, amended independent claim 14 is similarly not anticipated by and not obvious over Watanabe et al. More specifically, Watanabe et al fails to disclose a pressure ring defining a common opening with the band, and protruding the ulnar styloid through the common opening. Claims 15-18 ultimately depend from claim 14. At least for this reason, claims 15-18 are also not obvious over Watanabe et al.


Reconsideration and withdrawal of these rejections is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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